

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America, :
Plaintiff(s), :
vs. : Case Number: 1:10cr53
Toriano Hemphill, : Chief Judge Susan J. Dlott
Defendant(s). :
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on February 10, 2012 (Doc. 59), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired February 27, 2012, hereby ADOPTS said Report and Recommendation.

Accordingly, defendant's four grounds for relief are without merit and his § 2255 motion is **DISMISSED** with prejudice and without requiring a response from the United States. Since reasonable jurists will not disagree with this conclusion, defendant is **DENIED** a certificate of appealability and the Court will certify to the Sixth Circuit that an appeal will be objectively frivolous.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court